

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

In order to rapidly expedite the prosecution of this application in view of the new prior art applied by the Examiner; claim 1, the only independent claim remaining under prosecution, has been amended to more particularly point out Applicants' contribution. More specifically, claim 1 has been further amended herein to more particularly point out that at least a pair of first attachment straps and at least a pair of second attachment straps of greater longitudinal extent than said first attachment straps are affixed respectively to the upper and lower body portion of the cushion.

Neither of the references relied upon by the Examiner to reject claim 1 under 35 USC § 103, namely **Schick et al** and **Kostuk**, teaches or renders this unique arrangement obvious whether considered individually or together.

In **Schick et al**, the "cushion" is a seat rest, and the attachment tabs are attached only to the back rest portion. They are not (the tabs) attachment straps each adapted to affix said upper body cushion portion or said lower body cushion portion directly to the opposed rail members of a

"lounge chair" as specified in amended claim 1. And, of course, as conceded by the Examiner, **Schick et al** do not even remotely disclose or suggest applicants' claimed "second ... cushion attachment straps of greater longitudinal extent than said first ... cushion attachment straps."

Kostuk merely shows a lounge cover attached to a frame by a single pair of cover portions extending underneath the frame and connectable at their opposed ends to each other. But, this reference does not even vaguely suggest the combination of such straps with shorter length straps attachable directly to the side rails of the frame. Only applicants' specification teaches such a novel and advantageous arrangement.

With respect to the threshold issue of combining the foregoing references, at most, the only fair motivation provided by **Kostuk** would be to substitute his single pair of cover extensions underneath the frame for **Schick et al's** single pair of tabs. **Schick et al** so modified would fall far short of meeting the express limitations of claim 1, particular as amended herein.

Simply stated, there is insufficient motivation in **Kostuk** to pair up the cover attachment straps therein with the tabs of **Schick et al** and then to employ first and second pairs respectively on the upper and lower cushion portions of **Schick**

et al. That motivation is contained only in Applicants' application. Even so the resulting structure still would lack at least one pair of attachment straps adapted to be affixed directly to the opposed side rails of the frame because **Schick et al** do not contemplate attachment to a lounge chair frame.

For the reasons given above, claim 1, as amended, is believed to avoid the rejection under 35 USC § 103 as being unpatentable over **Schick et al**, in view of **Kostuk**, and should be allowed forthwith.

Claims 3, 4, and 6-14 depend from and further restrict claim 1. Because these dependent claims inherit the patentably distinct features of claim 1, as amended, they also are believed allowed for at least the same reasons advanced above.

The alleged indefiniteness referred to in paragraphs 2.-5., on page 2 of the outstanding Official Action has been cured by suitable amendment to parent claim 1. Accordingly, the rejection of claims 1-11 under § 112 is believed to have been avoided and should also now be withdrawn.

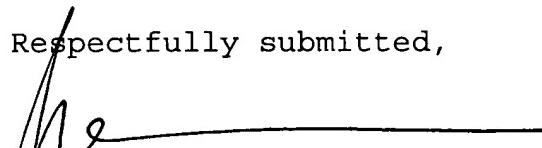
All grounds of objection and rejection are believed to have been overcome by this Amendment. Hence, the application now is believed to be in condition for immediate allowance

containing allowed claims 1, 3, 4, and 6-14, and such favorable action earnestly is solicited.

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The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,


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CERTIFICATE OF MAILING BY EXPRESS MAIL

The undersigned hereby certifies that this **AMENDMENT UNDER 37 § 1.114** is being deposited with the United States Postal Service in an envelope addressed to: MS RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 as Express Mail (No. ET900536544US), Post Office to Addressee service, on November 18, 2003.


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